

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2008CF3769
)	EEOC NO.: 21BA82420
MARIA PEREZ)	ALS NO.: 09-0563
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Sakhawat Hussain, M.D., Spencer Leak, Sr. and Rozanne Ronen, presiding, upon Maria Perez's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2008CF3769; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. On June 25, 2008, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged her former employer, the Hilton Hotel Corporation d/b/a Doubletree Guest Suites & Conference Center Chicago/Downers Grove ("Employer") discharged her because of her ancestry, Hispanic, in violation of Section 2-102(A) of the Illinois Human Rights Act (the "Act"). On September 28, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On October 8, 2009, the Petitioner filed this timely Request.
2. The Petitioner was employed as a housekeeper. In April 2008, the Employer was discarding some of its property. The Employer intended to sell some of this discarded property to a liquidator. The Employer stated it gave the Petitioner permission to take one (1) of its discarded chairs.
3. On April 27, 2008, the Petitioner took four chairs and several lamps that the Employer was discarding. The Petitioner's actions were captured on security videotape installed on the Employer's premises.

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

4. On May 2, 2008, the Employer reviewed the videotape which showed the Petitioner and two other employees removing the Employer's discarded property from the Employer's premises.
5. On May 6, 2008, the Employer met with the Petitioner and the other two employees. The Petitioner admitted taking the Employer's property. However, the Petitioner stated that the liquidator had given her permission to do so. The Petitioner denied any intention to steal the Employer's property.
6. The Employer suspended the Petitioner on May 6th for removing its property without authorization.
7. On May 12th, the Employer discharged the Petitioner for theft of its property.
8. In her charge, the Petitioner alleged her discharge was motivated by her Hispanic ancestry. The Petitioner alleged that right before she was discharged, the Employer had hired two non-Hispanic employees; after the Petitioner was discharged, the Petitioner states she was replaced by one of these non-Hispanic employees. In the Request, the Petitioner argues that she was treated unfairly and the facts should be further investigated.
9. In its Response, the Respondent request that the Commission sustain the dismissal of the Petitioner's charge because it found no substantial evidence of a nexus between the Petitioner's ancestry and the Employer's decision to discharge the Petitioner.

Conclusion

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D) (West 2010). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, * 2 (March 7, 1995)(1995 WL 793258).

In this case, there is no substantial evidence the Employer's decision to discharge the Petitioner was motivated by the Petitioner's Hispanic ancestry. The Petitioner admitted that she had taken more furniture than the Employer had authorized. There is no evidence a similarly situated non-Hispanic employee removed the Employer's property without authorization and was not discharged for theft. There is simply no substantial evidence of a nexus between the Petitioner's ancestry and the adverse action taken against her by the Employer.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Hilton Hotel Corporation d/b/a Doubletree Guest Suites & Conference Center Chicago/Downers Grove, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

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Entered this 28th day of April 2010.

Commissioner Sakhawat Hussain, M.D.

Commissioner Spencer Leak, Sr.

Commissioner Rozanne Ronen